DOCID: 4165193

SECURITY CLASSIFICATION

NSA STAFF PROCESSING FORM

TO	EXREG CONTROL NUMBER	KCC CONTROL NUMBER
DIRECTOR	46179	IG-10573-05

THRU	ACTION	EXREG SUSPENSE
D/DIR ✓, D SECRETARIAT	☐ APPROVAL	
SUBJECT	☒ SIGNATURE	KCC SUSPENSE
(U//~~FOUO~~) Quarterly Report to the Intelligence Oversight Board on NSA Activities—Fourth Quarter FY05	☐ INFORMATION	ELEMENT SUSPENSE

DISTRIBUTION

SUMMARY

PURPOSE: (U//~~FOUO~~) To forward to the Intelligence Oversight Board (IOB) of the President's Foreign Intelligence Advisory Board, via the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), NSA's quarterly report on its intelligence activities.

BACKGROUND: (U//~~FOUO~~) Executive Order 12333 and Executive Order 12863 require Intelligence Community agency heads and Intelligence Community General Counsels and Inspectors General, respectively, to report to the IOB on a quarterly basis concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. The enclosed memorandum covers all reportable activities known to the Inspector General and General Counsel. Per PIOB letter of 6 August 1982, Agency heads are responsible for reporting separately any additional reportable activities known to them, unless the President has specifically instructed that the Board is not to be informed. The Director's signature signifies that no other activities that require reporting are known to him.

RECOMMENDATION: (U) Director sign the enclosed memorandum.

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

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(b)(3)-P.L. 86-36

COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
GC	Robert L. Deitz 7 Dec 05	5548s	D05		963-3201
AGC(O)		3121s			
IG	Joel F. Brenner	3544s			
D/IG		3544s			
AIG(IO)		3544s			

ORIGINATOR	ORG.	PHONE (Secure)	DATE PREPARED
	D11	963-2984	22 November 2005

FORM A6796 FEB 94
NSN: 7540-FM-001-5465

DERIVED FROM: NSA/CSSM 1-52
DATED: 23 November 2004
DECLASSIFY ON: 20291123

SECURITY CLASSIFICATION
~~TOP SECRET//COMINT//NOFORN//20291123~~

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

14 December 2005

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 30 September 2005 were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

JOEL F. BRENNER
Inspector General

ROBERT L. DEITZ
General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

KEITH B. ALEXANDER
Lieutenant General, U. S. Army
Director, NSA/Chief, CSS

Encl:
Quarterly Report with NSA/CSS Policy 1-23

This Memorandum is Unclassified Upon Removal of Enclosure

DERIVED FROM: NSA/CSSPM 1-52
DATED: 23NOV04
DECLASSIFY ON: 20291123

1. (U) INSPECTOR GENERAL ACTIVITIES

a. ~~(C//SI)~~ During this quarter, the Office of Inspector General (OIG) reviewed various intelligence activities of the National Security Agency/Central Security Service (NSA/CSS) to determine whether they were conducted in accordance with applicable statutes, Executive Orders (EOs), Attorney General (AG) procedures, and Department of Defense (DoD) and internal directives. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities. (b)(3)-P.L. 86-36

b. (U//~~FOUO~~) The inspection of the [redacted] conducted in August 2004 was closed with both intelligence oversight (IO) findings rectified. Reporting feedback was provided and IO program processes were documented to ensure program sustainability.

2. (U) GENERAL COUNSEL ACTIVITIES

~~(C//SI)~~ The NSA/CSS Office of General Counsel (OGC) reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, EOs, AG procedures, and DoD and internal directives. The OGC advised Agency elements on a number of questions, including the collection and dissemination of communications of or concerning U.S. persons (USP); the reporting of possible violations of federal criminal law contained in signals intelligence (SIGINT) product; the testing of electronic equipment, and the applicability of the Foreign Intelligence Surveillance Act (FISA). With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities. The OGC directed the briefing of employees assigned to [redacted] with reference to the impropriety of tasking the U.S. SIGINT System for personal reasons. The OGC did not file any reports with the Intelligence Oversight Board during this quarter.

3. (U) SIGINT ACTIVITIES

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

a. ~~(S//SI)~~ Collection Against U.S. Persons

(1) (U) Intentional

(b)(1)
(b)(3)-P.L. 86-36

a. ~~(TS//SI)~~ During this quarter, the Director, NSA/Chief CSS (DIRNSA/CHCSS) granted approval for consensual collection against [redacted] U.S.

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Dated: 20041123
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(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

persons. DIRNSA/CHCSS also approved non-consensual collection of [redacted] and [redacted] U.S. Citizens taken hostage by [redacted] The DIRNSA/CHCSS-approved consensual collection against [redacted] U.S. persons was routinely terminated this quarter.

b. ~~(S//SI)~~ The AG granted authority to collect the communications of [redacted] U.S. persons during this quarter.

(b)(1)
(b)(3)-P.L. 86-36

(2) (U) Unintentional

a. ~~(S//SI//NF)~~ This quarter, there were [redacted] instances in which analysts inadvertently collected communications to, from, or about U. S. persons while pursuing foreign intelligence tasking. All of the incidents were reported to responsible oversight officials, and corrective actions were taken. Imprecise database queries, [redacted] and typing mistakes resulted in the collection of U. S. person information in [redacted] of the aforementioned instances. The queries were promptly terminated, and all data retrieved was immediately deleted. The analysts involved were counseled, and analysts were provided guidance on [redacted]

(b)(1)
(b)(3)-P.L. 86-36

(b)(3)-P.L. 86-36

b. (U//~~FOUO~~) The NSA/CSS supports the U.S. military and other government organizations by performing Operational Readiness Assessments. Under a legal agreement established with each organization, an NSA/CSS team attempts to exploit the organization's information systems for the purposes of helping them strengthen their defensive information operations posture. The NSA/CSS OIG is conducting an inquiry into an alleged inadvertent targeting of the [redacted] during an authorized Communications Security Operational Readiness Assessment for the [redacted] The OIG will report the outcome upon completion.

b. ~~(TS//SI)~~ We reported a delay in database selection term detasking last quarter. (See our report dated 22 August 2005.) While collecting on an authorized foreign target, [redacted] communicants were recognized to be U.S. persons. The termination of the selectors associated with the U.S. persons was directed [redacted] but the detasking of the selectors [redacted] As a result, collection at [redacted] when the error was discovered. The communications contained [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36

b. (U//~~FOUO~~) Dissemination of U.S. Identities

(b)(1)
(b)(3)-P.L. 86-36

(1) (U) Intentional

~~(S//SI)~~ In accordance with section 7 of USSID SP0018, U.S. identities were disseminated [redacted] times during this quarter. The following table shows the justification and the number of instances of dissemination. In the "Unmasked by Analyst" column, the U.S. identity was revealed in a serialized end product; in the "Unmasked at User Request" column, a U.S. identity was released to a user at the user's request.

JUSTIFICATION	Unmasked by Analyst	Unmasked at User Request	TOTAL
7.2.c Necessary			
7.2.c.1 Foreign Official			
7.2.c.3 International Narcotics			
7.2.c.4 Criminal Activity			
7.2.c.7 U.S. Government Official			
TOTAL			

(b)(1)
(b)(3)-P.L. 86-36

(2) (U) Unintentional

a. ~~(S//SI)~~ During this quarter, the Signals Intelligence Directorate (SID) cancelled [redacted] SIGINT products because they contained the identities of U.S. persons, organizations, or entities; those products that contained information derived from communications of U.S. persons were not reissued.

b. ~~(TS//SI)~~ [redacted] released [redacted] reports containing the identities of U.S. persons or based on the communications of persons later identified as U.S. persons. In all instances, [redacted] cancelled the reports, which were either not reissued or were reissued with the proper minimization.

(b)(1)
(b)(3)-P.L. 8

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(3) (U) Raw Traffic Dissemination — SIGINT Production Chain

a. ~~(S//SI)~~ [redacted] (b)(1) (b)(3)-P.L. 8

[redacted] The SID ensures that the personnel are trained by the OGC on NSA/CSS's legal restrictions and on proper handling and dissemination of SIGINT data [redacted] Such persons working in or with SID during this quarter included representatives of [redacted]

[redacted] -P.L. 86-36

4. (U) Other Activities

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

a. (U//~~FOUO~~) FISA Incidents

(1) ~~(TS//SI//NF)~~ As reported last quarter an error resulted in a large influx of NSA/CSS authorized and unauthorized data by an [redacted] (See our report dated 22 August 2005.) The collected data has been screened and the unauthorized information has been destroyed.

(2) ~~(TS//SI//NF)~~ [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

[redacted] The [redacted] instances that occurred this quarter demonstrate NSA's proper handling of this collection in accordance with NSA's FISA minimization procedures and as described to the FISC by NSA in the relevant applications. In the future, such incidents that are handled properly under FISA minimization procedures will not be included in this report.

(b)(1)
(b)(3)-P.L. 86-36

(a) ~~(TS//SI//NF)~~ The exploitation of [redacted] as authorized by the FISA Court began on [redacted] Collection [redacted] was terminated [redacted] when the NSA/CSS analyst realized that the person [redacted] was a U.S. person not associated with the authorized target.

(b)(1)
(b)(3)-P.L. 86-36

(b)(1)
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[redacted] Collected data was purged from the [redacted] database, and the [redacted] There was no unauthorized disclosure or use of this collection, and no reports were generated as a result of the inadvertent collection.

(b) ~~(TS//SI//NF)~~ NSA/CSS [redacted] analysts targeted a [redacted] associated with the [redacted] authorized [redacted] under FISA. [redacted] the analyst learned that the individual [redacted] was not the expected target, [redacted] Because NSA does not have authority to target the [redacted] the collected data was [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36

(c) ~~(TS//SI//NF)~~ [redacted] as authorized by the FISA Court. On [redacted] steps were taken to stop all tasking [redacted] The collected data was identified and deleted from NSA/CSS databases.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(d) ~~(TS//SI//NF)~~ [redacted]

[redacted]en

The collection [redacted] was deleted from the [redacted] and the [redacted] database.

(b)(3)-P.L. 86-36

c. (U//~~FOUO~~) Misuse of the U.S. SIGINT System

~~(TS//SI)~~ The NSA/CSS OIG completed the investigation into the incident as reported last quarter. (See our report dated 22 August 2005.) [redacted] a military language analyst at the [redacted] deliberately and without an authorized purpose tasked the collection of a U.S. person's email address. The analyst's database access was immediately suspended and access to Sensitive Compartmented Information was suspended by the Navy Commander. As a result of this violation and other unrelated computer infractions, the analyst received non-judicial punishment from the Navy Commanding Officer based on a hearing under Article 15 of the Uniform Code of Military Justice.

d. (U) Assistance to Law Enforcement

(b)(1)
(b)(3)-P.L. 86-36

~~(S//SI)~~ During this quarter, the SID responded to [redacted] request for analytical and linguistic assistance from [redacted]

e. (U) Working Aids

(U//~~FOUO~~) The SID Office of Oversight and Compliance maintains "U.S. Identities in SIGINT" and a matrix of dissemination authorities on its web page for use by the NSA/CSS Enterprise. The E.O., NSA/CSS Policy Number 1-23, DoD Regulation 5240.1-R, and USSID SP0018 are also available on-line.